children, ten great-grandchildren, besides friends of the family.

I presume Father Allred is one among the oldest members in the Church. He was baptized in Monroe county, Missouri, on the 10th day of Sept., 1832, and after the Saints were driven from Jackson county, he moved with his parents to Clay county, and was in all the persecutions and driving from Clay county to Caldwell county, and from there to Nauvoo, Ill., and then to Council Bluffs. He crossed the plains in Elder Orson Pratt's company, arriving in Salt Lake City Oct. 7th, 1851. Father Allred says he was captain of a rifle company in the Nauvoo legion, and was present when Joseph delivered his last public speech, as he stood on the little frame opposite the Mansion, when he drew his sword and presented it to heaven, and asked the people if they would stand by him to the death, to see his people free, etc. He says when Joseph started to Carthage to give himself up, as Joseph passed where he and others were standing, Joseph said: "Boys, if I do not come back, take care of yourselves. I go as a lamb to the slaughter." These were the last words he heard him speak.

Father Allred is hale and hearty, and has not missed a meal on account of sickness for over seven years. He expects to hold the next family re-union in St. Charles, Bear Lake county, Idaho, on the 17th of Aug., 1898.

C. A. MERKLEY,
Chairman of Committee.
MYRA I. LONGHERST, Clerk.

THAT "ASTOUNDING DECISION."

Salt Lake City, Utah,
February 26, 1898.

The communication which appeared in your columns recently, discussing the "Astounding Decision" rendered by Judge Zane, in the case of the Canal companies in Salt Lake county, has obtained some notoriety and some comments from the Salt Lake press. The Bee, in the first issue of that bright and pungent weekly, supports the position taken in the communication which appeared in the "News," but the Salt Lake Tribune makes the following editorial remarks on the subject:

"The indecent personal attacks being made upon Judge Zane in the matter of the recent canal decision causes one to wonder what the assailants would have. Do they really want the doctrine established in Utah that a canal of pure water used for culinary and irrigation purposes can, with impunity, be defiled and ruined by a subsequent enterprise? If that is the idea, it is one that the people of Utah would find insupportable and calamitous. There was no new doctrine declared in that decision, as some pretend, as the purpose of basing their scandalous personalities, but merely the restatement of an approved doctrine of the courts of Western states in like cases. A free people should should accept with equanimity and without abusive personalties the decisions of their courts, especially their courts of last resort."

What is meant in the foregoing by "indecent personal attacks" and scandalous "personalties" is difficult to discover, seeing that no personal attack of any kind appears, either in the communication to the "News" or the comments of the Bee. It cannot be fairly denied that the decisions of courts are open to public criticism, especially when they are utterly opposed to the facts on which such decisions are supposed to be based. The notorious "eight to seven" decision of the Supreme Court of the United States, although now hoary with age, is commented upon throughout the nation in no gentle language, and even its years do not create for it any respect in the minds of millions of the American people. The decision now under discussion is no more exempt from public comment and newspaper discussion than that.

The Tribune wants to know whether the thousands of persons injured by the canal decision "really want the doctrine established in Utah that a canal of pure water, used for culinary and irrigation purposes, can, with impunity, be befouled and ruined by a subsequent enterprise?" That question betrays a total misconception of the whole matter in controversy, and if the court based its decision on such incorrect premises, it is not surprising that the order was issued against which there is so much complaint. It is not the "doctrine" declared in the decision that is criticised, it is the assumption of a state of affairs which the testimony before the lower court showed had no existence, that causes so much amazement and dissent. It is very easy to understand how a court could enunciate legal doctrine and yet by a misapplication of that doctrine, through a misunderstanding of the actual facts, perpetrate an injustice, to the surprise and irreparable damage of the people interested.

It must be remembered that Judge Norrell, who in the district court rendered a decision which the Supreme Court has overruled, had before him not only the facts and arguments presented on both sides, but also the witnesses on whose testimony the facts were arrived at. He thus had personal opportunity to investigate thoroughly the circumstances and conditions surrounding the entire case, while the Supreme court had no witnesses before it, and, therefore, could not as well determine what was the preponderance of evidence as could the trial judge. Now the question is, did that testimony show that the North Point Irrigation company had "a canal of pure water, used for culinary and irrigation purposes," which was "befouled and ruined by a subsequent enterprise?" No! The proofs were clear and positive that the Surplus canal, from which the plaintiff company claimed a right by contract to take water, was constructed for the purpose of carrying off surplus waters that inundated the southwestern portions of Salt Lake City, and that the drainage canal was also constructed for the express purpose of draining the lands lying in the western and southwestern portions of Salt Lake county. It was for this reason that Salt Lake City and Salt Lake county, as corporations, each contributed the sum of $6,000.

Ex-Mayor Armstrong testified to this effect and also that the intent and purpose of constructing the Surplus canal was also to carry off sewage from the city. Ex-Judge Elias A. Smith testified that the investment in the drainage ditch by Salt Lake county was to relieve the lands above and adjacent to it of surplus waters, and of draining a chain of lakes whose natural flow was into the White Lake. Numerous witnesses testified to the same facts and it is a matter of public notoriety that the Surplus canal and the drain ditch were constructed at considerable cost for these special purposes, and that they were so used, the drain ditch in May and the Surplus canal in June, 1896. Judge Norrell so decided, as he was bound to do with the evidence before him. He decided also that "the use of the Surplus canal by the owners for the drainage of lands along the Jordan river, as expressed by the articles of incorporation, is a reasonable use and enjoyment of the property, and one as to which the plaintiff cannot be heard to complain, because it took, subject to all the rights of said owners. If it were otherwise, then plaintiff by such action as this could and would defeat the plainly expressed purpose and intention for which the owners of the canal expended their labor and laid out their money."

The plaintiff company claimed a grant to take water from the Surplus canal under a deed dated December 9th, 1886. The validity of that so-called grant is disputed by the defendant companies, but, as Judge Norrell decided, if the alleged deed and grant were valid, "it is clear to the court that plaintiff took under and subject to all the rights of the owners of the Surplus canal." So that instead of "a canal of pure water for culinary and irrigation purposes" being "befouled and ruined by a subsequent enterprise," the facts are that a canal constructed primarily and used continuously for drainage purposes, was subsequently tapped by a company, the successor of which now appears as plaintiff in this case, and claims that lands watered by its system are damaged by mineral deposits from these waters. Thus the facts are the very reverse of those set forth in the Tribune's query, and if the decision of the Supreme court was based on similar misinformation, it is not entitled to be received with that "equanimity" which the Tribune, the court's apologist, claims for it.

The truth is, that the lands which it is claimed are damaged by the water flowing from the plaintiff company's system and obtained by it from the White Lake and the Surplus canal, contain in their own composition the deleterious substances which render them unfit for cultivation. This was proved beyond a reasonable question by the testimony of reliable witnesses, who attempted their cultivation as long ago as 1860, when it was found that the first year a fair crop could be produced, but subsequently the efflorescence became worse and worse, until nothing could be produced, and the lands were abandoned as not being worth the government price. It was shown that the application of pure river water aggravated these conditions, bringing to the surface of the land the mineral substances with which it was impregnated, and there being no means of drainage, there was no remedy for the evil. These facts were testified to by such unimpeachable witnesses as A. F. Doremus, Geo. B. Wallace, Walter Brown, James T. Cochrane, Ben Harmon, William Spicer, William Crowther, Fred Schoenfeldt, Robert Hazen, William Langford, etc., corroborated by such competent chemists as Professor Jos. T. Kingsbury and Professor Hirsching.

The strong remarks which have been made by persons who know of these facts are not surprising, when it is known that the defendant canal companies had the uninterrupted use of the drain ditch and Surplus canal, for the purposes for which they were constructed, for at least ten years, and are now required by a decision of the Supreme Court to abandon such use and to fill up the drain ditch, for the benefit of a few individuals owning worthless lands, and who want to collect damages from the defendant companies, as is believed by many, to compensate those few individuals for an unfortunate and unwise investment in worthless acres.

There is no desire to attack any judicial dignitary or tribunal, or to indulge in "scandalous personalities," but the public mouth is not to be muzzled; and the thousands of bona fide settlers, who feel outraged by the latest decision on this matter, are not to be silenced by any pretense of exalted sanctity designed to screen a branch of the public service from deserved censure. The decision of the Supreme Court affecting the rights and property of a great mass